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UNITED STATES DISTRICT COURT

FOR NORTHERN DISTRICT OF CALIFORNIA

DANIEL PEREZ, ET AL.,

Plaintiffs,

vs.

ARTEAGA'S STARLITE SUPERMARKET,
ET AL.,

Defendants

Case No.: C05-04665JF (RS)

STIPULATION TO CONTINUE INITIAL
Case MANAGEMENT CONFERENCE &
[PROPOSED] ORDER

1 Plaintiffs and defendants, through their respective counsel, hereby stipulate as follows:

2 1. On November 15, 2005, plaintiff filed a wage and hour class action, seeking to
3 represent all employees hired over the last four years at the various stores doing business under
4 the name of Arteaga's Starlite Supermarket.

5 2. The Initial Case Management Conference was held on July 7, 2006.

6 3. Because the case was not yet at issue due to four new defendants having been
7 added by the First Amended Complaint filed on June 1, 2006, the Court continued the Case
8 Management Conference to September 8, 2006.

9 4. By July 25, 2006, new defendants Engelberto Arteaga, Jose Arteaga, and Amador
10 Arteaga had filed their answers.

11 4. Defendant Alfonso Quintana, the only defendant who has not appeared, was
12 served on July 11, 2006. Based on an earlier conversation between Alfonso Quintana's attorney
13 Dominic Libonati and plaintiffs' counsel, on August 22, 2006, Mr. Libonati sent plaintiffs'
14 counsel certain documents, requesting that his client be dismissed from this case. Plaintiffs'
15 counsel agreed to grant an extension for defendant Quintana to file an answer while plaintiffs
16 consider his dismissal request. Despite the extension to file an answer, Mr. Libonati had agreed
17 that his client, Alfonso Quintana, would participate in the mediation in this case.

18 5. However, during the course of the preparation of the Joint Case Management
19 Statement and the parties' discussion of mediation, Maureen E. McFadden, the counsel for
20 defendants Jose Arteaga and Amador Arteaga, learned of Mr. Libonati's intended representation
21 of defendant Quintana, and raised a potential conflict of interest issue. Mr. Libonati elected to
22 withdraw from the case.

23 6. In order to allow defendant Quintana to retain new counsel, plaintiffs and all other
24 defendants who have appeared hereby respectfully request that the Court continue the Case
25 Management Conference currently scheduled for September 8, 2006 for two weeks, until
September 22, 2006.

1 Dated: September 5, 2006

DAL BON & WANG

2 By: /s/ ADAM WANG
Adam Wang
3 Attorney for Plaintiffs

4 Dated: September 5, 2006

THELEN REID & PRIEST LLP

5 By: /s/ Daniel Muller
Daniel J. Muller
6 Attorneys for Defendants
Arteaga's Starlite Supermarket, Juan
7 Arteaga & Engelberton Arteaga

8 Dated: September 5, 2006

MAUREEN E. McFADDEN


9 By: /s/ MAUREEN E. McFadden
Maureen E. McFadden
10 Attorney for Defendants
Jose Arteaga & Amador Arteaga
11

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14 ~~[PROPOSED]~~ ORDER

15 Pursuant to party's stipulation, IT IS HEREBY ORDERED that the Case management
16 Conference be continued to September 22, 2006.

17 IT IS SO ORDERED.

18 Dated: September 8, 2006

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Jeremy Fogel
United States District Judge